

STATE OF MAINE,)
)
Plaintiff,)
)
v.) Civil Action No. _____
)
UNITED STATES DEPARTMENT)
OF AGRICULTURE and BROOKE)
ROLLINS, in Her Official Capacity as)
Secretary of Agriculture)
)
Defendants.)

I, Jane McLucas, being over the age of eighteen (18) and competent in all respects to testify, hereby declare and affirm that the following is true and correct:

2. I make this declaration based on my personal knowledge and my review of information in the possession of MDOE.

3. My official duties include oversight of federally funded school nutrition programs, as well as the Child and Adult Care Food Program (CACFP). I oversee regulatory staff who monitor compliance and provide technical assistance to personnel at the local level who operate child nutrition programming. I manage an office of 15 employees and 5 contractors, including the individuals responsible for data management, monitoring and oversight, and

finance and accounting. Among other things, these individuals receive reimbursement claims from schools and other sponsors, access federal accounts and draw down the funds, and provide timely reimbursements to the schools and sponsors so that they can operate their programs.

4. My office administers and oversees the National School Lunch Program and the School Breakfast Program. These programs reimburse public and private schools for providing free or reduced-price lunches and breakfasts to eligible students. My office processes claims from schools under these programs and provides reimbursements.

5. My office receives federal funds from the United States Department of Agriculture (“USDA”) for, among others, the following programs/initiatives: CACFP, state level operating costs, Child Nutrition Non-Competitive Technology Innovation Grants (nTIG), National School Lunch Program Equipment Assistance Grants, and Farm to School State Formula Grants.

6. CACFP provides meals for young children who attend daycare programs, at-risk school-age children outside of school hours, and adults in adult daycare programs. In Maine, there are 83 CACFP sponsoring organizations, such as public schools and community non-profits, that are responsible for overseeing 186 of their own sites as well as 388 CACFP providers (small family day/adult care providers) where food is served to the target populations. There are three financial subcomponents to CACFP: food reimbursement, which reimburses sponsors and sites for meals actually served; cash in lieu, which is paid to sponsors and sites in lieu of their accessing commodity foods offered by USDA at discounted rates, and; administrative funds, which go to sponsors to pay the costs of preparing and providing the meals and administering the local programs.

7. The state level operating costs pay for the salaries of the CNP employees (within MDOE) charged with monitoring compliance and processing the reimbursements to schools and other sponsors for all of the USDA-funded child nutrition programs, as well as necessary office expenses, such as computers, phones, and other office supplies.

8. nTIG pays for CNPweb, the computer program through which schools and other program sponsors interface with the Department to submit claims and receive reimbursement.

9. The National School Lunch Program Equipment Assistance Grant reimburses schools for the purchase of commercial grade kitchen equipment used to make the food for their child nutrition programs.

10. The Farm to School State Formula Grant pays for regional coordinators who work with farmers and schools to increase the capacity of schools to procure and use local foods.

11. On April 2, MDOE received a copy of a letter from the Secretary of the USDA to the Governor alleging that Maine is in violation of Title IX and stating that “[t]oday, I am freezing Maine’s federal funds for certain administrative and technological functions in schools.” The letter further states that “[t]his pause does not impact federal feeding programs or direct assistance to Mainers; if a child was fed today, they will be fed tomorrow.”

12. On April 3, 2025, my office was unable to access several sources of federal funds. While the CACFP account for food reimbursement was accessible, cash in lieu [5661CNC] and administrative funds [5660CHA] were inaccessible. All of the accounts for state level operating costs [3011NOA, 3017NSB], nTIG [6664TIG], the National School Lunch Program Equipment Assistance Grant [3019SLEQ] and the Farm to School State Formula Grant [4312FARM] were inaccessible.

13. For this fiscal year, Maine has received/anticipates receiving approximately \$49,189 for CACFP cash in lieu, \$97,085 for CACFP administrative funds, \$990,817 for state level operating costs, and \$698,507 for nTIG. Prior year funds awarded but current inaccessible are \$592,838 for the Farm to School State Formula Grant, \$68,952 for state level operating costs, \$218,517 for nTIG, and \$37,544 for the National School Lunch Program Equipment Assistance Grant. We are also anticipating funding of approximately \$3 million, typically awarded in July of each year, for the summer meal program sponsor administration and meal reimbursement.

14. Contrary to the Secretary's letter, the inaccessibility of two of the funding streams in CACFP grants directly impact this "federal feeding program." Shutting of the CACFP cash in lieu account prevents providers from using the funds to purchase the food that is distributed to children and adults in daycare settings. Shutting of the CACFP administrative funds account prevents providers from paying the individuals who run the programs that prepare and provide the food to children and adults. In Maine, the sites and providers are too small to access the discounted commodity foods which are distributed in large quantities that could not be properly stored or managed without significant waste. Without access to funds in the cash in lieu and administrative funds account, providers will have to cease operations and children (and vulnerable adults) will not be fed.

15. Although the accounts holding funds to reimburse schools for providing meals under the National School Lunch Program and the School Breakfast Program are still accessible, the funds that pay for the twelve CNP employees (within MDOE) who monitor the programs and process the reimbursements to the schools are inaccessible. Unless an alternate funding source can be immediately identified, these employees will be laid off.

16. Also inaccessible are the funds that pay for the computers, telephones, and other equipment that CNP employees use to monitor the programs and process the reimbursements.

17. Without staff and equipment, there will be no way for CNP to ensure that programs receiving federal funds are operating in accordance with federal laws and regulations. More importantly, without these funds, there will be no CNP staff to collect, approve, and process claims for reimbursement from schools and other facilities providing meals to children and vulnerable adults. In other words, there will be no way to get funds from the USDA to the schools and other facilities, and children will not be fed.

18. Loss of CNP staff also means that there will be no way to oversee and monitor the local programs, resulting in the loss of program integrity, including inconsistent meal quality and reduced outreach to low-income families, thus widening the gaps in access to healthy meals for children who depend on these programs.

19. Loss of CNP staff will also impair the State's ability to comply with USDA regulations, which could jeopardize the integrity of child nutrition programs, and cause fraud, waste, and abuse of federal dollars.

20. The State of Maine does not have state funds available to replace the funds that have been frozen.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on April 7, 2025

/s/ Jane McLucas
Jane McLucas